

Executive Summary – Enforcement Matter – Case No. 48020

Ashland Elastomers LLC

RN100224799

Docket No. 2013-2173-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Ashland Elastomers, 1615 Main Street, Port Neches, Jefferson County

Type of Operation:

Styrene-butadiene rubber manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 28, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,600

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,600

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 2, 2013

Date(s) of NOE(s): November 22, 2013

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Ashland Elastomers LLC
RN100224799
Docket No. 2013-2173-AIR-E

Violation Information

1. Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O1224, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 15].
2. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1224, GTC].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On December 12, 2013, submitted the PCC for the April 30, 2012 through October 29, 2012 certification period; and
- b. On January 14, 2014, implemented procedures to ensure that semi-annual deviation reports are complete, accurate, and timely.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement procedures designed to ensure that PCCs are complete, accurate, and submitted within 30 days after the end of each reporting period.
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

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Ashland Elastomers LLC
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Docket No. 2013-2173-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katie Hargrove, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2569; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Howard Hardegree, Site Manager, Ashland Elastomers LLC, P.O. Box
667, Port Neches, Texas 77651

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	25-Nov-2013	Screening	11-Dec-2013	EPA Due	19-Aug-2014
	PCW	11-Dec-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Ashland Elastomers LLC		
Reg. Ent. Ref. No.	RN100224799		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48020	No. of Violations	2
Docket No.	2013-2173-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katie Hargrove
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	80.0% Enhancement	Subtotals 2, 3, & 7	\$3,400
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Notes: Enhancement for one NOV with a dissimilar violation and four agreed orders containing a denial of liability. Reduction for two notices of intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$50
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$81
Approx. Cost of Compliance: \$1,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,600
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,600
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Screening Date 11-Dec-2013

Docket No. 2013-2173-AIR-E

PCW

Respondent Ashland Elastomers LLC

Policy Revision 3 (September 2011)

Case ID No. 48020

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 80%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with a dissimilar violation and four agreed orders containing a denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 80%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 80%

Screening Date 11-Dec-2013

Docket No. 2013-2173-AIR-E

PCW

Respondent Ashland Elastomers LLC

Policy Revision 3 (September 2011)

Case ID No. 48020

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O1224, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 15

Violation Description

Failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the April 30, 2012 through October 29, 2012 certification period was due November 28, 2012 but was not received until December 12, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

378 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for the late PCC.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent Ashland Elastomers LLC
Case ID No. 48020
Reg. Ent. Reference No. RN100224799
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	28-Nov-2012	28-Jun-2014	1.58	\$40	n/a	\$40
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	28-Nov-2012	12-Dec-2013	1.04	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to submit the PCC and to implement procedures to ensure that all PCCs are complete and timely submitted. The date required is the date the PCC was due and the final dates are the date the PCC was submitted and the expected compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$53

Screening Date 11-Dec-2013

Docket No. 2013-2173-AIR-E

PCW

Respondent Ashland Elastomers LLC

Policy Revision 3 (September 2011)

Case ID No. 48020

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100224799

Media [Statute] Air

Enf. Coordinator Katie Hargrove

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O1224, GTC

Violation Description

Failed to report all instances of deviations. Specifically, the deviation related to the failure to submit a PCC was not included in the October 30, 2012 through April 29, 2013 deviation report. Also, a continuing deviation for failure to locate the South Cooling Tower annual emission records was not included in the semi-annual deviation report for the April 30, 2012 through October 29, 2012 reporting period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

378 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended, one for each incomplete report.

Good Faith Efforts to Comply

10.0% Reduction

\$50

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed corrective actions by January 14, 2014, after the November 22, 2013 NOE.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$850

This violation Final Assessed Penalty (adjusted for limits) \$850

Economic Benefit Worksheet

Respondent Ashland Elastomers LLC
Case ID No. 48020
Reg. Ent. Reference No. RN100224799
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	28-Nov-2012	14-Jan-2014	1.13	\$28	n/a	\$28
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures designed to ensure that semi-annual deviation reports are completed and timely submitted. The date required is the date the first deviation report was due and the final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN602296287, RN100224799, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN602296287, Ashland Elastomers LLC **Classification:** SATISFACTORY **Rating:** 10.91

Regulated Entity: RN100224799, ASHLAND ELASTOMERS **Classification:** SATISFACTORY **Rating:** 10.91

Complexity Points: 17

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 1615 MAIN STREET PORT NECHES, TX 77651-3039, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0017A

POLLUTION PREVENTION PLANNING ID NUMBER P00026

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30144

WASTEWATER PERMIT WQ0002487000

AIR NEW SOURCE PERMITS PERMIT 9908

AIR NEW SOURCE PERMITS REGISTRATION 9351A

AIR NEW SOURCE PERMITS REGISTRATION 11481A

AIR NEW SOURCE PERMITS REGISTRATION 15069A

AIR NEW SOURCE PERMITS REGISTRATION 16309A

AIR NEW SOURCE PERMITS REGISTRATION 33357

AIR NEW SOURCE PERMITS AFS NUM 4824500034

AIR NEW SOURCE PERMITS REGISTRATION 70480

AIR NEW SOURCE PERMITS REGISTRATION 73735

AIR NEW SOURCE PERMITS REGISTRATION 82785

AIR NEW SOURCE PERMITS REGISTRATION 97956

AIR OPERATING PERMITS PERMIT 1224

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD059333443

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000789685

WASTEWATER EPA ID TX0087602

AIR NEW SOURCE PERMITS PERMIT 7642

AIR NEW SOURCE PERMITS PERMIT 4132A

AIR NEW SOURCE PERMITS REGISTRATION 12381A

AIR NEW SOURCE PERMITS REGISTRATION 9100A

AIR NEW SOURCE PERMITS REGISTRATION 16456A

AIR NEW SOURCE PERMITS REGISTRATION 72127

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0017A

AIR NEW SOURCE PERMITS REGISTRATION 71804

AIR NEW SOURCE PERMITS PERMIT 74010

AIR NEW SOURCE PERMITS REGISTRATION 93144

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30144

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0017A

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: December 02, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 02, 2008 to December 02, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katie Hargrove

Phone: (512) 239-2569

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 02/07/2010 ADMINORDER 2009-0699-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:9908, Special Condition 1 PERMIT

O-01224, General Terms and Conditions OP

O-01224, Special Condition 11A OP

Description: Failure to comply with the permitted VOC and Vinyl Cyclohexene (VCH) emission limits for E Dryer.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(1)

30 TAC Chapter 122, SubChapter B 122.146(5)(C)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01224, General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

2 Effective Date: 04/25/2010 ADMINORDER 2009-1820-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01224, General Terms and Condition OP

O-01224, Special Condition 11 OP

Permit 9908, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

A8(c)(2)(A)(ii)

MOD 2D

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01224, General Terms and Condition OP

O-01224, Special Condition 11 OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

A8(c)(2)(A)(ii), Moderate 2d

3 Effective Date: 12/04/2010 ADMINORDER 2010-0916-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 11 OP

Description: Failure to maintain an emission rate below the allowable emission limits.

4 Effective Date: 06/03/2013 ADMINORDER 2012-1619-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC 1 PERMIT
STC 12 ORDER

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:SC 1 PERMIT
STC 12 OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:ST&Cs No. 2.F. OP

Description: Failed to determine if the February 1, 2011 and February 16, 2011 emission events were reportable and submit initial notificatin within 24 hours after discovery.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 18, 2008	(754200)
Item 2	December 23, 2008	(702152)
Item 3	January 19, 2009	(730961)
Item 4	February 17, 2009	(754197)
Item 5	March 19, 2009	(754198)
Item 6	April 16, 2009	(754199)
Item 7	May 18, 2009	(771508)
Item 8	June 29, 2009	(814633)
Item 9	July 23, 2009	(814634)
Item 10	August 19, 2009	(814635)
Item 11	September 18, 2009	(814636)
Item 12	November 19, 2009	(814638)
Item 13	December 17, 2009	(814639)
Item 14	February 17, 2010	(814632)
Item 15	March 15, 2010	(834334)
Item 16	April 20, 2010	(834335)
Item 17	May 25, 2010	(834336)
Item 18	May 26, 2010	(824701)
Item 19	June 18, 2010	(847330)
Item 20	July 20, 2010	(861769)
Item 21	September 21, 2010	(875101)
Item 22	October 28, 2010	(882713)
Item 23	December 27, 2010	(897500)
Item 24	May 23, 2011	(939213)
Item 25	July 22, 2011	(953889)
Item 26	August 17, 2011	(945091)
Item 27	August 22, 2011	(1032757)

Item 28	September 23, 2011	(966541)
Item 29	October 17, 2011	(972555)
Item 30	November 21, 2011	(978701)
Item 31	December 16, 2011	(974579)
Item 32	January 03, 2012	(991814)
Item 33	January 23, 2012	(991815)
Item 34	February 24, 2012	(999165)
Item 35	March 23, 2012	(1004684)

Item 36	April 25, 2012	(1011257)
Item 37	May 11, 2012	(1017624)
Item 38	June 21, 2012	(1025420)
Item 39	July 23, 2012	(1032756)
Item 40	August 16, 2012	(1039182)
Item 41	September 20, 2012	(1048140)
Item 42	October 22, 2012	(1067079)
Item 43	November 19, 2012	(1067080)
Item 44	November 29, 2012	(1036099)
Item 45	January 23, 2013	(1081575)
Item 46	February 26, 2013	(1090576)
Item 47	March 26, 2013	(1090577)
Item 48	April 22, 2013	(1096928)
Item 49	May 24, 2013	(1107895)
Item 50	June 27, 2013	(1111524)
Item 51	July 23, 2013	(1118428)
Item 52	August 27, 2013	(1126215)
Item 53	September 16, 2013	(1116567)
Item 54	September 27, 2013	(1130766)
Item 55	October 17, 2013	(1130765)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	04/16/2013 (1075676)	CN602296287
	Self Report?	NO	Classification: Minor
	Citation:	D&PC, No. 3(a) PERMIT	
	Description:	Failure to flow weight composite samples.	
	Self Report?	NO	Classification: Minor
	Citation:	OR 4 PERMIT	
	Description:	Failure by ISP to prevent direct incursions of contact storm water into non-contact runoff defined areas.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 335, SubChapter A 335.4 PC 2 PERMIT	
	Description:	Failure by ISP to prevent the discharge or imminent discharge of industrial solid waste(...) into or adjacent to the waters in the state.	
	Self Report?	NO	Classification: Minor
	Citation:	OpR 1 PERMIT	
	Description:	Failure by ISP to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Deep erosion features were noted on the east bank of the A-Line on the south side of B-Basin at the junction with the ditch draining the Tank Farm. It was also noted that silting and re-sedimentation of the eroded soil within the ditch have resulted locally in a bottleneck, which has reduced the ditch holdi	
	Self Report?	NO	Classification: Minor
	Citation:	M&RR 1 PERMIT	
	Description:	Failure by ISP to submit periodic reports to the executive director. A review of the ICIS data during the investigation showed that ISP did not submit complete monthly discharge reports (DMRs) in 3/2011 and 11/2012.	

F. Environmental audits:

Notice of Intent Date: 09/06/2011 (969131)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 12/2/2008 and 12/2/2013

1

Date:04/03/2009(740026)CN602296287

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation:30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.485(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 3 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
O-01224 Special Condition 1D OP

Description:Failure to maintain monitoring records for the plant flare.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation:30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
40 CFR Part 63, Subpart H 63.163
40 CFR Part 63, Subpart H 63.173
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 3 PERMIT
O-01224 Special Condition 11 OP
O-01224, General Terms and Conditions OP
O-01224, Special Condition 1D OP

Description:Failure to maintain records of visual, weekly inspections of pumps and agitators.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation:30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 74010, Special Condition 3 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description:Failure to maintain Boiler 1 (EPN: Boiler 1) below the maximum firing rate of 56 Million British thermal units per hour (MMBtu/hr).

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 3B(iii) OP

Description: Failure to conduct the required quarterly visible emissions observations (VEO).
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 22E PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to maintain a lid on a degreaser whenever parts are not being handled in the cleaner.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: O-01224 General Terms and Conditions OP
O-01224 Special Condition 1A OP
Failure to conduct daily flare observations on the back-up flare whenever in operation.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908, Special Condition 6 PERMIT
O-01224 General Terms and Conditions OP
O-01224, Special Condition 11 OP

Description: Failure to maintain the maximum hourly residual styrene concentration of 0.03 weight percent on a wet basis in the latex feeding any of the 10 finishing lines.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 8 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to conduct the quarterly Static Ambient Temperature Extraction (SATE) test.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 10D PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to properly record the date, time, and duration of each planned maintenance, start-up, and shutdown (MSS) activity.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 Special Condition 11 OP

Description: Failure to adhere to the number of planned maintenance events represented on Table B-11 in the permit application (dated December 2006) of NSR Permit Number 9908.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 11 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to conduct daily total dissolved solids (TDS) sampling of the cooling tower water.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 1 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to maintain the particulate matter (PM) emission rate below the allowable emission limits.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908 Special Condition 18 PERMIT
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP

Description: Failure to conduct an investigation that resulted in a report which includes corrective actions taken when the monitored concentrations exceeded 25 parts per billion (ppb).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
NSR 9908, Special Condition 18 PERMIT

O-01224, General Terms and Conditions OP
O-01224, Special Condition 11 OP

Description: Failure to maintain on-site for review, documentation regarding monitor down time and corrective actions taken when the monitor was down.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 324, SubChapter A 324.1
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)
Description: Failure to properly label used oil drums with the words "Used Oil".

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)

NSR 9908, Special Condition 3 PERMIT
O-01224 General Terms and Conditions OP
O-01224, Special Condition 11 OP
O-01224, Special Condition 1D OP

Description: Failure to make a first attempt at repair. C10
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
NSR 9908, Special Condition 22I PERMIT
NSR 9908, Special Condition 23A PERMIT
NSR 9908, Special Condition 3 PERMIT
O-01224 Special Condition 1D OP
O-01224, General Terms and Conditions OP
O-01224, Special Condition 11 OP

Description: Failure to make a first attempt at repair on a leaking component within five days and repair leaking compents within fifteen days. C10
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in semi-annual deviation reports.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
O-01224, General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of April 29, 2007 through April 30, 2008.

2 Date: 09/30/2009 (814637) CN602296287
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

3 Date: 11/24/2009 (777019) CN602296287
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
O-01224 Special Condition 11 OP
O-01224, General Terms and Conditions OP
O-01224, Special Condition 1D OP
Special Condition 3 PERMIT

Description: Failure to maintain records of visual, weekly inspections of pumps.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Condtns OP

O-01224 Special Condition 11 OP
Special Condition 3 PERMIT

Description: Failure to maintain Boiler 1, Emission Point Number (EPN) Boiler 1, at or below the maximum firing rate of 56 Million British thermal units per hour (MMBtu/hr).
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.481(f)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP
O-01224 Special Condition 11 OP
O-01224 Special Condition 1D OP
Special Condition 13 PERMIT

Description: Failure to operate the Plant Flare, EPN PLANTFLARE, with a flame present at all times.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
O-01224 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in SDR.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
O-01224, General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of April 29, 2008, through April 30, 2009.

4 Date: 12/31/2009 (814640) CN602296287
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

5 Date: 01/21/2010 (783948) CN602296287
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: D&PC, No. 3(a) PERMIT

Description: Failure to flow weight composite samples.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)

Description: Failure to properly store materials in a way as to prevent the imminent threat or discharge of industrial solid waste into or adjacent to waters of the state. (crumb rubber)

6 Date: 07/31/2010 (868180) CN602296287
Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

7 Date: 12/31/2010 (903389) CN602296287

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

8 Date: 01/31/2011 (910304) CN602296287

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

9 Date: 02/28/2011 (892474) CN602296287

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 OP
Special Condition 1D OP
Special Condition 22E PERMIT
Special Condition 3 PERMIT

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in Volatile Organic Compound (VOC) service.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report deviations in the appropriate deviation report and in a timely manner.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 11 OP
Special Condition 8 PERMIT

Description: Failure to conduct quarterly Static Ambient Temperature Extraction (SATE) testing on Dryers C and J in the 3rd quarter of 2009.

10 Date: 02/28/2011 (917518) CN602296287

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

11 Date: 05/31/2011 (946632) CN602296287

Classification: Moderate

Self Report? YES For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

12 Date: 08/03/2012 (1015466) CN602296287

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to submit a Semiannual Deviation Report in a timely manner.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 113, SubChapter C 113.110
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)
5C THSC Chapter 382 382.085(b)
SC 10 PERMIT
SC 1A OP

Description: Failure to conduct quarterly monitoring at South Cooling Tower (EPN CT). B19g1

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 3B(iv)(1) OP

Description: Failure to conduct quarterly stationary vent visible emissions observations. B19g1

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

SC 1A OP

Description: Failure to report a deviation. B3

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1A PERMIT

Description: Failure to report emission events in a timely manner. C3

13*

Date: 04/16/2013 (1075676)

CN602296287

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: D&PC, No. 3(a) PERMIT

Description: Failure to flow weight composite samples.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OR 4 PERMIT

Description: Failure by ISP to prevent direct incursions of contact storm water into non-contact runoff defined areas.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 335, SubChapter A 335.4
PC 2 PERMIT

Description: Failure by ISP to prevent the discharge or imminent discharge of industrial solid waste(...) into or adjacent to the waters in the state.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: OpR 1 PERMIT

Description: Failure by ISP to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Deep erosion features were noted on the east bank of the A-Line on the south side of B-Basin at the junction with the ditch draining the Tank Farm. It was also noted that silting and re-sedimentation of the eroded soil within the ditch have resulted locally in a bottleneck, which has reduced the ditch holdi

Self Report? NO For Informational Purposes Only
 Citation: M&RR 1 PERMIT
 Description: Failure by ISP to submit periodic reports to the executive director. A review of the ICIS data during the investigation showed that ISP did not submit complete monthly discharge reports (DMRs) in 3/2011 and 11/2012.

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period December 02, 2008 and December 02, 2013

	(754200)	
Item 1*	December 18, 2008**	For Informational Purposes Only
	(702152)	
Item 2*	December 23, 2008**	For Informational Purposes Only
	(730961)	
Item 3*	January 19, 2009**	For Informational Purposes Only
	(754197)	
Item 4*	February 17, 2009**	For Informational Purposes Only
	(754198)	
Item 5*	March 19, 2009**	For Informational Purposes Only
	(740026)	
Item 6	April 02, 2009**	For Informational Purposes Only
	(754199)	
Item 7*	April 16, 2009**	For Informational Purposes Only
	(725013)	
Item 8	May 06, 2009**	For Informational Purposes Only
	(771508)	
Item 9*	May 18, 2009**	For Informational Purposes Only
	(814633)	
Item 10*	June 29, 2009**	For Informational Purposes Only
	(814634)	
Item 11*	July 23, 2009**	For Informational Purposes Only
	(814635)	
Item 12*	August 19, 2009**	For Informational Purposes Only
	(765825)	
Item 13	August 20, 2009**	For Informational Purposes Only
	(814636)	
Item 14*	September 18, 2009**	For Informational Purposes Only
	(764164)	
Item 15	September 21, 2009**	For Informational Purposes Only
	(814637)	
Item 16	October 19, 2009**	For Informational Purposes Only
	(767073)	
Item 17	November 05, 2009**	For Informational Purposes Only

Item 18*	November 19, 2009**	(814638) For Informational Purposes Only
Item 19	November 23, 2009**	(777019) For Informational Purposes Only
Item 20*	December 17, 2009**	(814639) For Informational Purposes Only
Item 21	January 19, 2010**	(814640) For Informational Purposes Only
Item 22	January 21, 2010**	(783948) For Informational Purposes Only
Item 23*	February 17, 2010**	(814632) For Informational Purposes Only
Item 24	February 23, 2010**	(792617) For Informational Purposes Only
Item 25*	March 15, 2010**	(834334) For Informational Purposes Only
Item 26*	April 20, 2010**	(834335) For Informational Purposes Only
Item 27	May 20, 2010**	(796435) For Informational Purposes Only
Item 28*	May 25, 2010**	(834336) For Informational Purposes Only
Item 29*	May 26, 2010**	(824701) For Informational Purposes Only
Item 30*	June 18, 2010**	(847330) For Informational Purposes Only
Item 31*	July 20, 2010**	(861769) For Informational Purposes Only
Item 32	August 19, 2010**	(868180) For Informational Purposes Only
Item 33	August 26, 2010**	(849727) For Informational Purposes Only
Item 34*	September 21, 2010**	(875101) For Informational Purposes Only
Item 35*	October 28, 2010**	(882713) For Informational Purposes Only
Item 36*	December 27, 2010**	(897500) For Informational Purposes Only
Item 37	January 24, 2011**	(903389) For Informational Purposes Only
Item 38	February 28, 2011**	(892474) For Informational Purposes Only

Item 39	March 24, 2011**	(917518) For Informational Purposes Only
Item 40*	May 23, 2011**	(939213) For Informational Purposes Only
Item 41	May 24, 2011**	(866704) For Informational Purposes Only
Item 42	June 22, 2011**	(946632) For Informational Purposes Only
Item 43*	July 22, 2011**	(953889) For Informational Purposes Only
Item 44	August 11, 2011**	(945135) For Informational Purposes Only
Item 45*	August 17, 2011**	(945091) For Informational Purposes Only
Item 46*	August 22, 2011**	(1032757) For Informational Purposes Only
Item 47*	September 23, 2011**	(966541) For Informational Purposes Only
Item 48*	October 17, 2011**	(972555) For Informational Purposes Only
Item 49*	November 21, 2011**	(978701) For Informational Purposes Only
Item 50*	December 16, 2011**	(974579) For Informational Purposes Only
Item 51*	January 03, 2012**	(991814) For Informational Purposes Only
Item 52*	January 23, 2012**	(991815) For Informational Purposes Only
Item 53*	February 24, 2012**	(999165) For Informational Purposes Only
Item 54*	March 23, 2012**	(1004684) For Informational Purposes Only
Item 55*	April 25, 2012**	(1011257) For Informational Purposes Only
Item 56*	May 11, 2012**	(1017624) For Informational Purposes Only
Item 57*	June 21, 2012**	(1025420) For Informational Purposes Only
Item 58*	July 23, 2012**	(1032756) For Informational Purposes Only
Item 59	August 03, 2012**	(1015466) For Informational Purposes Only

Item 60*	August 16, 2012**	(1039182) For Informational Purposes Only
Item 61*	September 20, 2012**	(1048140) For Informational Purposes Only
Item 62	September 25, 2012**	(1031403) For Informational Purposes Only
Item 63*	October 22, 2012**	(1067079) For Informational Purposes Only
Item 64*	November 19, 2012**	(1067080) For Informational Purposes Only
Item 65*	November 29, 2012**	(1036099) For Informational Purposes Only
Item 66*	January 23, 2013**	(1081575) For Informational Purposes Only
Item 67*	February 26, 2013**	(1090576) For Informational Purposes Only
Item 68*	March 26, 2013**	(1090577) For Informational Purposes Only
Item 69	April 17, 2013**	(1075676) For Informational Purposes Only
Item 70*	April 22, 2013**	(1096928) For Informational Purposes Only
Item 71*	May 24, 2013**	(1107895) For Informational Purposes Only
Item 72*	June 27, 2013**	(1111524) For Informational Purposes Only
Item 73*	July 23, 2013**	(1118428) For Informational Purposes Only
Item 74*	August 27, 2013**	(1126215) For Informational Purposes Only
Item 75*	September 16, 2013	(1116567) For Informational Purposes Only
Item 76*	September 27, 2013	(1130766) For Informational Purposes Only
Item 77*	October 17, 2013	(1130765) For Informational Purposes Only
Item 78	October 24, 2013	(1105786) For Informational Purposes Only
Item 79	November 22, 2013	(1122466) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ASHLAND ELASTOMERS LLC
RN100224799

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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2013-2173-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ashland Elastomers LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a styrene-butadiene rubber manufacturing plant at 1615 Main Street in Port Neches, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on October 2, 2013, TCEQ staff documented that the Respondent failed to submit a permit compliance certification ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the April 30, 2012 through October 29, 2012 certification period was due November 28, 2012, but it was not received until December 12, 2013.
4. During an investigation conducted on October 2, 2013, TCEQ staff documented that the Respondent failed to report all instances of deviations. Specifically, the deviation related to the failure to submit a PCC was not included in the October 30, 2012 through April 29, 2013 deviation report. Also, a continuing deviation for failure to locate the South Cooling Tower annual emission records was not included in the semi-annual deviation report for April 30, 2012 through October 29, 2012.
5. The Respondent received notice of the violations on November 25, 2013.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On December 12, 2013, submitted the PCC for the April 30, 2012 through October 29, 2012 certification period; and
 - b. On January 14, 2014, implemented procedures to ensure that semi-annual deviation reports are complete, accurate, and timely.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to submit a PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. 01224, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 15.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01224, GTC.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code

and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of Seven Thousand Six Hundred Dollars (\$7,600) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Seven Thousand Six Hundred Dollar (\$7,600) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seven Thousand Six Hundred Dollars (\$7,600) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ashland Elastomers LLC, Docket No. 2013-2173-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement procedures designed to ensure that PCCs are complete, accurate, and submitted within 30 days after the end of each reporting period.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

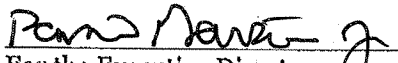
Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

4/28/14
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Ashland Elastomers LLC. I am authorized to agree to the attached Agreed Order on behalf of Ashland Elastomers LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Ashland Elastomers LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

2/20/2014
Date

HOWARD J. HARBERGER
Name (Printed or typed)
Authorized Representative of
Ashland Elastomers LLC

SITE MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.